

# United States District Court

## WESTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA

v.

TIMOTHY COUSINS

### ORDER OF DETENTION PENDING REVOCATION HEARING

Case Number: **1:98-CR-145**

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending revocation hearing in this case.

#### Part I - Findings of Fact

- ☐ (1) The defendant is charged with an offense described in 18 U.S.C. §3142(f)(1) and has been convicted of a (federal offense) (state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed) that is
- ☐ a crime of violence as defined in 18 U.S.C. §3156(a)(4).
  - ☐ an offense for which the maximum sentence is life imprisonment or death.
  - ☐ an offense for which the maximum term of imprisonment of ten years or more is prescribed in \_\_\_\_\_
- ☐ a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in U.S.C. §3142(f)(1)(A)-(C), or comparable state or local offenses.
- ☐ (2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense.
- ☐ (3) A period of not more than five years has elapsed since the (date of conviction) (release of the defendant from imprisonment) for the offense described in finding (1).
- ☐ (4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an) other person(s) and the community. I further find that the defendant has not rebutted this presumption.

#### Alternate Findings (A)

- ☐ (1) There is probable cause to believe that the defendant has committed an offense
- ☐ for which a maximum term of imprisonment of ten years or more is prescribed in \_\_\_\_\_
  - ☐ under 18 U.S.C. §924(c).
- ☐ (2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

#### Alternate Findings (B)

- ☒ (1) There is a serious risk that the defendant will not appear.
- ☒ (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

Following a 5-year period of incarceration with the Bureau of Prisons, defendant commenced his supervised release on 11/19/04. Only a week later he was arrested for assaulting and obstructing two Eaton County Sheriff's deputies causing injury to one deputy. He has since pled no contest and been convicted of two assaults in the Eaton County Circuit Court resulting in a one-year jail sentence. At the time of the arrest defendant also had an open intoxicant in his motor vehicle and was (continued on attachment)

#### Part II - Written Statement of Reasons for Detention

I find that the defendant has failed to establish by clear and convincing evidence that he will not be a risk of failure to appear, a danger to the community if once again released under court supervision, in light of his absolute failure in this respect one year ago when released from federal custody. While defendant has apparently attended counseling programs while in jail and may be able to attend business school, while encouraging, does not without more, rise to the level of clear and convincing evidence when placed along side defendant's record of behavior to date.

#### Part III - Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. In the order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a co proceeding.

Dated: December 23, 2005

/s/ Hugh W. Brenneman, Jr.

Signature of Judicial Officer

Hugh W. Brenneman, Jr., United States Magistrate Judge

Name and Title of Judicial Officer

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**Alternate Findings (B) - (continued)**

(he was prohibited from any use of alcohol) and was associating with a convicted felon. Following the automobile stop leading to his arrest, defendant fled on foot. When finally caught, defendant became combative and assaultive as deputies attempted to restrain him.